



# CITY OF SOUTH JORDAN

Employee Handbook

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Dear City of South Jordan Employee,

Welcome! You have the privilege of serving in one of the finest cities in the country. In excess of 50,000 people call South Jordan City home and we want them to love living here. Our role is to serve. Everything we do and say must be aimed at providing high quality, value driven services. The residents who live in South Jordan City deserve nothing less than our best.

This handbook has been prepared to help you understand the basic guidelines associated with working for the City of South Jordan. The following pages outline the City's mission, core values and policies. It is important that you review these carefully. They establish the standards and practices expected of every City employee. If you have any questions about this book or have suggestions to make it better, please contact the Human Resources Division.

Thanks for your good work,

John H. Geilmann, City Manager

# SECTION 1 INTRODUCTION

## 1-01 MISSION STATEMENT

The City of South Jordan Mission Statement:

The mission of the City of South Jordan is to provide service oriented, responsible government, consistent with the community's values, priorities and expectations for a high quality of life, enhancing the City's fiscal health, providing professional and innovative services, and managing the City's resources, while planning for the future.

## 1-02 CORE VALUES

City of South Jordan Core Values:

- To astonish the customer, not just to satisfy the customer: *"I don't care if they don't notice everything we do, just as long as they notice something that's different about us."*
- Only the non-complacent thrive: *"We will always be on the lookout for complacency."*
- Actions speak louder than words: *"Walk the walk." "No one carries more importance to the core mission of the City than another. Only job descriptions differ."*
- The best team polices itself: *"If you treat a fellow crewmember or customer badly, there are enough people around who care enough that you're going to hear about it."*
- Expectation + Ownership = Ultimate Motivation
- Employees have to understand the business
- Build a team of big thinkers: *"If you hire A-players, you don't have to sit on them and tell them what to do."*
- Change is the status quo: *"Be a champion of positive change. Be sure the end result of change is positive. Be cognizant of the efforts of change."*
- Stay small as you grow: *"Practice Visible Leadership."*
- Propagate the culture: *"Treat your people right, communicate with your team, inspire greatness in others, encourage initiative and innovation, and do the right thing."*

### ***1-03 CITY OF SOUTH JORDAN GOVERNMENT***

- 1-03 (1) The City of South Jordan operates under a Manager by Ordinance form of government and is a City of the third class as determined by Utah law. Hence, it is governed by a six member Council comprised of five elected Council Members, and an elected Mayor. The City Manager is hired by the Mayor and Council to manage all day to day operations of the City. The City Manager is the Chief Executive Officer (CEO) of the City.

### ***1-04 POLICY IMPLEMENTATION***

- 1-04 (1) The information contained in this handbook is to give employees a better understanding of the responsibilities and obligations of employment with the City. Employees shall be required to read, understand, and comply with all provisions of this manual.
- 1-04 (2) The City of South Jordan reserves the right to revise, supplement, or rescind any policy or portion of a policy from time to time as deemed necessary by the City Council and/or City Manager. A complete copy of the employee handbook is located online and is available to all employees. Every employee is responsible for becoming informed of changes as they occur.
- 1-04 (3) The policies and procedures stated in this manual and in other personnel statements or materials issued by the City do not create a contract or agreement, actual or implied of any kind or nature whatsoever, between the City and its employees.
- 1-04 (4) In addition to the policies and procedures contained in this manual, employees are responsible for understanding and abiding by policies and procedures of their respective service group, department, and or division.

## SECTION 2    EMPLOYMENT PRACTICES

### 2-01 RECRUITMENT

- 2-01 (1)    General Policy – The City of South Jordan desires to fill all positions with the most suitable applicant. Further, it is the intent of the City to consider qualified in-house applicants when appropriate.
- a.        Anti-Nepotism – The City of South Jordan complies with Title 52, Chapter 3, Utah Code Annotated, prohibiting the employment of relatives. The City prohibits any person holding any position, to appoint, vote for the appointment of, directly supervise, or be directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Volunteers providing services to the City are excluded from this provision.
- b.        Employment of Minors – It is the policy of the City of South Jordan that no one under the age of 16 shall be hired or allowed to volunteer for any position.
- 2-01 (2)    Equal Employment Opportunity – The City of South Jordan is an "Equal Opportunity Employer" and selects, hires, promotes, and compensates employees without regard to race, religion, pregnancy, age, disability, gender, color, national origin, or any other protected status. The City evaluates applicants for employment or candidates for promotion based upon their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position.
- 2-01 (3)    Job Postings – In general, notices of all job openings are posted, although the City of South Jordan reserves its discretionary right to not post a particular opening. Job openings may be posted in the following locations:
- Employment agencies
  - Professional staffing services
  - Trade journals
  - Newspapers
  - Internet
  - Bulletin boards

Other recruiting sources may be used to fill open positions in the best interest of the organization.

2-01 (4) Application Requirements – In general, the following application process is followed for all job postings. City employees are encouraged to apply for any posted position.

- a. All applicants for employment with the City of South Jordan shall complete a City application and are required to comply with the specific application process for each position. The applicant must submit all applications to the Human Resources Division by the closing date and time of the posted position.
- b. The City accepts applications from all interested parties and evaluates applicants based upon job related criteria.
- c. Falsification of any information required in the application process is grounds for immediate disqualification.
- d. Applications will be retained for two (2) years (or three (3) years if a conditional job offer was declined or withdrawn).

2-01 (5) Selection Procedures.

- a. Skill Based Testing – Job applicants may be required to take tests which the City deems necessary for a specific position.
- b. Job Offer Requirements – Once a candidate is selected and a conditional offer has been approved as to form by Human Resources, approved by the respective Cabinet member, and signed by the candidate, the candidate will be required to submit to drug testing (see section 3-02), a background check, and a driver's license check (if required). The Personnel Action Form shall be signed by the respective Cabinet member.
- c. Veterans Preference – In accordance with Title 71, Chapter 10, Utah Code Annotated, eligible veterans and their spouses shall be given preference in the hiring process. The City employment application shall have a section to claim veteran's preference.

## **2-02 EMPLOYMENT CLASSIFICATIONS**

### **2-02 (1)      Employment Status**

- a.      Full-time/Regular: An employee hired to work a minimum of 40 hours per week or applicable full-time work schedule, and eligible for City benefits.
- b.      Full-time/At-Will: An employee hired to work a minimum of 40 hours per week or applicable full-time work schedule, eligible for City benefits, but the employee or the City may end the employment relationship at any time, with or without cause or explanation.
- c.      Full-time/Seasonal: An employee hired to work 40 hours or more per week to a maximum of 1560 hours during a rolling year, are at-will, and not eligible for City benefits.
- d.      Part-time/Seasonal: An employee hired to work less than 20 hours per week to a maximum of 1560 hours during a rolling year, are at-will, and not eligible for City benefits.
- e.      Part-time/Regular/Benefited: An employee hired to work a minimum of 32 hours per week on a regular, year-round basis, and eligible for reduced City benefits.
- f.      Part-time/Intern: An employee hired to work for not more than 1560 hours during a rolling year, are at-will, and not eligible for City benefits.
- g.      Volunteer: Any person who donates service without pay or other compensation, except community service workers.
  - 1)      Department Directors shall provide required volunteer information to the human resource division, prior to the rendering of any volunteer services, to insure worker's compensation and liability coverage.
  - 2)      Volunteers who volunteer for more than 24 hours a calendar year must participate in a volunteer orientation.



2-02 (2) Probation

- a. Probationary Period – Except for employees specifically designated as “at-will”, all recently hired employees shall fulfill a probationary period. During probation, such employees may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all.
  1. Full-time/Regular and Part-time/Regular/Benefited employees, excluding certified police and fire protection employees, are subject to a six month probationary period.
  2. Full-time/Regular certified police and fire protection employees are subject to a one year probationary period.
- b. Extensions - In unusual circumstances, probationary periods may be extended beyond the initial probationary period as authorized by the respective Cabinet member. Probation extensions shall be documented and notice given to the employee prior to the conclusion of the original probationary period.

2-02 (3) Performance Reviews

Supervisors of all employees shall complete performance review(s) consistent with the employee’s pay plan.

2-02 (4) Corrective Action Plan

As part of a disciplinary action, an employee may also be placed on a corrective action plan, the length of which shall be determined by the supervisor.

2-02 (5) Employment Classification – In accordance with the Fair Labor Standards Act (FLSA), employees shall be classified as either exempt or non-exempt with respect to eligibility for payment of overtime.

- a. Exempt employees are those in managerial, administrative, or professional positions as prescribed by the Fair Labor Standards Act and do not receive overtime for hours worked in excess of a 40 hour work week or other applicable work period.
- b. All other Fair Labor Standards Act covered employees are paid overtime for hours worked in excess of a 40 hour work week or other applicable work period.

## ***2-04 PERFORMANCE EVALUATIONS***

- 2-04(1) Designated managers shall conduct performance evaluations of Full-time/Regular, Full-time/At-will, and Part-time/Regular/Benefited employees at a minimum annually, with quarterly reviews, to assist employees in performing their job duties.
- 2-04 (2) Designated managers will conduct an interim performance evaluation for any of the above employees transferred, reassigned, or promoted as a subordinate to a different designated manager, within ten (10) business days of the effective date.
- 2-04 (3) Such employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.
- 2-04 (4) Copies of annual performance evaluations are placed in the employee's personnel file kept in the Human Resources Division. Each employee will receive a copy of their annual performance evaluation. Quarterly reviews will be maintained electronically.

## ***2-05 EMPLOYEE REDUCTION IN FORCE POLICY (RIF)***

Due to budgetary restrictions, reduction in workload, or reorganization, the city manager may determine that an employee reduction in force (RIF) is necessary. When it becomes necessary to reduce the work force, full-time employee(s) with the positions to be eliminated shall, when possible, be notified in writing of the reduction in force at least two weeks before the planned reduction in force.

## SECTION 3    COMPENSATION, LEAVES, & BENEFITS

### 3-01   COMPENSATION

- 3-01 (1)    Classification - The City assigns each position a classification pay grade and salary range, as established by the City's pay plans. The pay plan reflects internal and external equities, based upon assigned duties and responsibilities, and market comparisons.

Market research is conducted bi-annually by the human resources division.

- 3-01 (2)    Payroll - All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period or applicable work period.

- a.        The work week begins at 12:01 a.m. on Sunday and ends on Saturday at 12:00 midnight for all employees, except as otherwise authorized in writing by the city manager.
- b.        Fire protection employees working 24-hour shifts shall follow the Fair Labor Standards Act (FLSA) regulations of a 27-day cycle. Law enforcement officers shall follow the FLSA regulations of a 28-day work cycle.
- c.        Employees and supervisors are responsible for accurately recording and reporting time worked on their timecards.
- d.        Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the payroll office.
- e.        Upon receipt of a valid garnishment, the City shall withhold wages from an employee's paycheck. The City shall continue to withhold the garnishment wages until a court order is received indicating satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.

- 3-01 (3)    Merit Increases – Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.

- 3-01 (4)    Cost of Living Adjustments (COLA) – Employees may receive a COLA as determined appropriate and according to availability of funds as allocated by the City Council through the budget process.

3-01 (5) Overtime Provisions – It is the general policy of the City of South Jordan to not have employees work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by a cabinet member, department director, or their designee.

- a. Overtime is paid at the rate of one and one-half times the regular rate of pay.
- b. Overtime is calculated based on actual time worked.
  - 1) Time worked includes those hours an employee is working, as well as holiday leave (including observed holiday hours or holiday hours scheduled at least 30 days in advance for law enforcement sworn officers and fire protection employees), jury duty, or witness duty.
  - 2) Time worked does not include vacation leave, sick leave, paid military leave, or compensatory time.
- c. Overtime is payment received for time worked in excess of:
  - 1) 40 hours per week for non-exempt employees.
  - 2) 204 hours per 27 day cycle for fire protection employees.
  - 3) 160 hours per 28 day cycle for sworn officers in the police department.
- d. Funding received per federal and state grants stipulated for time and a half compensation will be paid as such.
- e. In situations where the mayor has declared a “Local State of Emergency,” FLSA non-exempt employees whose work assists the response during the designated emergency will be paid time and a half for any emergency hours worked in addition to their normal work schedule. Compensatory time will not be accrued.
- f. FLSA exempt and non-covered employees are not eligible for overtime or compensatory time, except for third party and government grant payments authorized by the City to be paid through City payroll.

3-01 (6) Compensatory Time Provisions – When it is in the best interest of the City of South Jordan, the City reserves the right to grant compensatory time in lieu of overtime wages to FLSA non-exempt employees. Compensatory time must be pre-authorized by a cabinet member, department director, or their designee.

- a. Compensatory time accrual and time worked calculations are the same as overtime provisions.
- b. An employee with accrued compensatory time leave that requests use of the time will be permitted to use it within a reasonable period after making the request if it does not unduly disrupt the operations of the department.
- c. The City may require an employee to use accrued compensatory time.
- d. The maximum amount of compensatory time which may be accrued is 80 hours. After 80 hours have been accrued, compensatory time accrued will be deducted prior to any use of requested vacation leave.
- e. The accrued compensatory time of an employee transferred between divisions or moving to FLSA exempt status shall be compensated prior to such action.

3-01 (7) Call Back Compensation – Any FLSA non-exempt employee called back to work shall be entitled to call back compensation for actual time worked. The minimum call back compensation shall be one and a half hours. Only time worked in excess of an employee's specified work week will be compensated at the overtime rate.

3-01 (8) On Call Compensation – As required, a schedule of on call FLSA non-exempt employees may be prepared in advance and maintained by a department director or their designee.

- a. Any position requiring an on call status shall be on a one week rotation basis.
- b. On call employees must be able to respond to work site within a one hour time frame, and in compliance with the City's Drug/Alcohol Policy.

- c. On call employees shall be paid four hours of their regular base salary rate, per one week rotation, in addition to pay for time worked.
- d. On call employees shall be paid an additional two hours of their regular base salary rate for holidays within their one week rotation, in addition to pay for time actually worked.

### **3-02 LEAVES**

3-02 (1) Vacation Leave – Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits.

- a. Full-time/Regular employees shall accrue annual vacation leave in accordance with the following:

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 5	3.08 (10 – 8 hr. days/year)
5 – 10	4.62 (15 – 8 hr. days/year)
Greater than 10	6.15 (20 – 8 hr. days/year)

- b. Full-time/Regular fire protection employees working 24-hour shifts shall accrue annual vacation leave in accordance with the following:

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 6	4.62 (10 – 12 hr. days/year)
6 – 10	5.54 (12 – 12 hr. days/year)
11 – 15	7.38 (16 – 12 hr. days/year)
Greater than 15	8.77 (19 – 12 hr. days/year)

- c. Part-time/Regular/Benefited employees shall accrue annual vacation leave in accordance with the following:

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 5	1.54 (10 – 4 hr. days/year)
5 – 10	2.31 (15 – 4 hr. days/year)
Greater than 10	3.08 (20 – 4 hr. days/year)

- d. Vacation time accrued cannot be carried forward from one calendar year to the next in excess of the following:

Full-time/Regular employees:

<u>Accrual Rate</u>	<u>Maximum Allowed</u>
3.08 hrs/pay period	240 hours
4.62 hrs/pay period	280 hours
6.15 hrs/pay period	320 hours

Full-time/Regular fire protection employees working 24-hour shifts:

<u>Accrual Rate</u>	<u>Maximum Allowed</u>
4.62 hrs/pay period	240 hours
5.54 hrs/pay period	280 hours
7.38 hrs/pay period	320 hours
8.77 hrs/pay period	320 hours

Part-time/Regular/Benefited employees:

<u>Accrual Rate</u>	<u>Maximum Allowed</u>
1.54 hrs/pay period	120 hours
2.31 hrs/pay period	140 hours
3.08 hrs/pay period	160 hours

- e. Other employees shall not be eligible for annual vacation leave.
- f. Vacation leave shall be requested on a leave request form and pre-approved by the employee's supervisor.

3-02 (2) Holiday Leave – The City of South Jordan recognizes the following holidays for purposes of paid holiday leave:

New Year's Day	January 1 <sup>st</sup>
Dr. Martin Luther King, Jr. Day	3 <sup>rd</sup> Monday in January
Washington and Lincoln Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Thanksgiving Day (day after)	4 <sup>th</sup> Friday in November
Christmas Day	December 25 <sup>th</sup>
Christmas Day (day after)	December 26 <sup>th</sup> *

(\*subject to be switched to the 24th pending how the holiday falls)

- a. If the holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday shall be observed on the following Monday or as designated by the city manager.

- b. Full-time/Regular employees are eligible for eight hours of holiday pay per holiday listed above.
- c. Part-time/Regular/Benefited employees are eligible for four hours of holiday pay per holiday listed above.
- d. Full-time/Regular fire protection employees working 24 hour shifts are eligible for 12 hours of holiday pay for each City each holiday.
- e. Employees required to work on a holiday shall be allowed to use accrued holiday hours on a floating basis. Holiday leave used on a floating basis shall be requested on a leave request form.
- f. Employees are not eligible for holiday pay when in an unpaid leave status.

3-02 (3)

Sick Leave – Sick leave time off with pay is available to eligible employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves, a spouse, or a dependent living in the employee's home, except as otherwise authorized by a department director. Sick leave hours are intended primarily to provide income protection in the event of illness or injury, and shall not be used for any other absence. An employee is prohibited from working secondary employment during the actual hours of sick leave. Sick leave is not counted as time worked.

- a. Full-time/Regular employees shall accrue 3.69 hours of sick leave per pay period (12-8 hour days per year).
- b. Part-time/Regular/Benefited employees shall accrue 1.85 hours of sick leave per pay period (12-4 hour days per year).
- c. Full-time fire protection employees shall accrue 4.62 hours of sick leave per pay period (10-12 hour days per year).
- d. Other employees shall not be eligible for sick leave.
- e. Employees who are unable to report to work due to illness or injury shall notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence.
- f. Employees unable to fulfill normal work assignments due to illness or injury may or may not be allowed transitional duty assignments depending on availability. Transitional duty is normally limited to



employees with a prognosis for return to full duty and for no more than six weeks. All transitional duty assignments will be coordinated with the human resources division. Worker's compensation related transitional duty will also be coordinated with the risk manager.

- g. A medical release may be required before returning to work.
- h. Full-time/Regular employees who have a minimum of 30 days of unused sick leave as of July 1 of each year may elect to have converted sick leave, on a one (1) hour for two (2) hour basis, for any unused hours in excess of the 30 days but not to exceed six days. Calculation of converted sick leave will be made the first pay period in December, and should be used in the holiday season. Converted sick leave not used by April 1 of the following year will be converted back to sick leave.

3-02 (4) Bereavement/Funeral Leave – An employee may receive a maximum of 24 hours bereavement leave per occurrence with pay, at the department director's discretion, following the death of a member of the employee's immediate family.

- a. Immediate family means the following relatives of the employee or spouse (including in-laws or step-relatives):
  - 1) spouse,
  - 2) parents,
  - 3) siblings,
  - 4) children,
  - 5) all levels of grandparents, or
  - 6) all levels of grandchildren.
- b. An employee may receive up to 5 hours funeral leave with pay to attend non-immediate family funerals, at the department director's discretion.
- c. Bereavement/Funeral leave shall be pre-approved by an employee's department director.

3-02 (5) Military Leave – A military leave is time-off granted to eligible employees who are members of the National Guard or any reserve branch of the United States Armed Forces.

- a. An employee on official military orders is entitled to paid military leave which shall not exceed 80 hours per calendar year to attend annual training. Paid military leave may not be carried over from one year to the next.
- b. Employees on qualifying active military leave will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- c. Additional unpaid military leave shall be granted consistent with Uniformed Services Employment and Reemployment Rights Act (USERRA).
- d. An employee must notify their supervisor and the human resources division of their military orders as soon as possible.

3-02 (6) Jury or Witness Duty - The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.

- a. The City pays an employee's full salary when the employee is absent during a regularly scheduled shift, but requires the employee to remit any jury or witness fee(s) received to the City.
- b. Any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom may be retained by the employee.
- c. The requirement for employees to remit any jury or witness fee(s) received does not apply to court appearances falling upon the employee's personal time, or court appearances when the individual is appearing in court on their own behalf.
- d. An employee must show the Jury or Witness Duty summons to their supervisor as soon as possible so the supervisor may make arrangements to accommodate their absence.

3-02 (7) FMLA Leave – The Family and Medical Leave Act of 1993 (FMLA) grants eligible employees the statutory right to take up to 12 weeks of paid and/or unpaid leave during the next 365 days following the invocation of FMLA leave under specified circumstances related to serious health conditions and childbirth. The City will designate FMLA leave for an

employee whenever it has knowledge that the employee and their condition may qualify.

- a. An employee may request leave under the Family and Medical Leave Act if the employee meets the following requirements:
  - 1) Employment status is Full-time/Regular, Full-time/At-will, or Part-time/Regular/Benefited, and
  - 2) Employed with the City for a minimum of 12 months, or has worked a minimum of 1250 hours in the 12 month period immediately preceding the request.
- b. Eligible employees may request leave for situations related to personal and family medical circumstances such as:
  - 1) Obligations related directly to childbirth, adoption, or placement of a foster child.
  - 2) Caring for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
  - 3) A serious health condition that makes the employee unable to perform his or her job.
- c. Eligible employees should make requests for family and medical leave to their supervisors and notify the human resources division, in writing, at least 30 days in advance of foreseeable event(s) and as soon as practical for unforeseeable event(s).
  - 1) In an emergency, when the need for leave was not previously known, the employee must contact his or her supervisor within 48 hours or as soon as practical.
  - 2) An eligible employee may take leave all at one time or intermittently for their own serious health condition or to care for a family member with a serious health condition, if it is medically necessary to do so. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule their leave so it does not unduly disrupt City operations. Leave taken for purposes of childbirth,

adoption, placement for adoption or foster care shall not be taken intermittently or on a reduced leave schedule unless the employee and the City mutually agree.

- 3) All employees requesting leave under this policy must complete an “Application for Family and Medical Leave” and return it to the human resources division within 10 working days. The completed application must state the reason for the leave, expected duration, and the starting and ending dates of the leave.
  - 4) The Application for Family and Medical Leave must be accompanied with the “Medical Certification” form. The certification must be completed by a health care provider which verifies that the “serious health condition” related to a child, spouse, or parent meets the criteria for FMLA leave and will include the date when the condition began, expected duration, and appropriate medical facts regarding the condition.
  - 5) An employee on FMLA leave shall use FMLA leave for all absences related to that qualifying event.
- d. Eligible employees must exhaust all available paid leave (accrued vacation, compensatory leave, sick leave, or holiday leave) before going on a leave without pay status. Supervisors will be responsible for submitting the employee timecard to payroll and the human resource division while an employee is on FMLA leave. Paid leave will be counted against the eligible twelve weeks of FMLA leave.
  - e. Subject to the terms, conditions, and limitations of the applicable health insurance plans, the City will continue to contribute to premiums in accordance with established policy during an employee’s approved FMLA leave, however seniority and other benefits will not accrue during leave. The employee must continue to pay any portion of the premium that the employee would typically pay if not on leave, either through payroll deduction or in person.
  - f. Employees must submit notice to return to active status twelve days prior to the planned return date to the supervisor and Human Resources division. If the employee is returning from leave for their own serious health condition, the City may request a fitness-for-duty report from the health provider before the employee can return.

- 1) Upon return from FMLA leave, the City will accommodate an employee's return to their original or an equivalent position.
- 2) If an employee fails to return to work after the 12 weeks of leave have expired, the employee is responsible for reimbursing the City for any unpaid employee share of the premium costs that were paid by the City.
- 3) If any employee fails to report to work promptly at the end of the 12 weeks of FMLA leave, the City will assume the employee has resigned unless they have received an approved leave of absence.

3-02 (8) Administrative Leave

- a. Administrative leave with pay may be assigned by a cabinet member, department director, or their designees under the following circumstances:
  - 1) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
  - 2) With regard to incidents resulting in extreme stress.
  - 3) To protect City interests during an end of employment process.
- b. An employee shall not engage in secondary employment during the actual hours designated as administrative leave. The City may, at its discretion, additionally restrict the activities of an employee on administrative leave with pay. Examples include being required to remain at the employee's residence during designated working hours (except to obtain medical care, to fulfill religious obligations, or as specifically authorized), remain readily available and immediately respond to phone contact or return to work, modification of working hours, or restrictions on secondary employment outside administrative leave hours.
- c. After review by the City Attorney and with the authorization of the City Manager, an employee charged with a job related felony, after judicial review, may be placed on administrative leave without pay.

3-02 (9)

Leave of Absence - Unauthorized absence after an employee has exhausted all accrued leave will be considered a voluntary resignation.

- a. Leave of absence without pay must be requested by the employee, and approved by the department director, in writing.
- b. Under special circumstances, employees may request leave without pay for a reason other than exhausting leave accrued, FMLA, or military leave.
- c. Full-time/Regular and Part-time/Regular employees are eligible to request leave for up to 12 months as described in this policy.
- d. Eligible employees interested in a leave of absence must submit a written request to their department director detailing the nature of the leave.
  - 1) Requests for leave of absence will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. The City does not grant a leave of absence without pay, unless it is believed the employee will remain employed by the City at the end of the leave. The City may end an approved leave of absence at its discretion, upon reasonable notice to the employee.
  - 2) Prior written approval must be obtained from the employee's department director, cabinet member and the city manager.
  - 3) Vacation leave, sick leave, holiday leave, and other City benefits will not continue to accrue during the approved leave of absence period.

3-02 (10)

Breaks and Meal Periods – The City offers breaks and meal periods as work allows.

- a. The City may provide two paid breaks of up to 15 minutes each during a standard workday as determined by the supervisor.
- b. The City normally provides a one hour unpaid meal period for full-time employees during a standard workday.
- c. Employees in public safety positions shall take breaks and meal periods in accordance with department work schedules and policies.

- d. Employees under the age of 18 are entitled to a meal period of at least 30 minutes not later than 5 hours from the beginning of their shift. A rest break of at least 10 minutes is required for employees under the age of 18 for every three hour period or part thereof that is worked.

### **3-03 EMPLOYEE BENEFITS**

- 3-03 (1) Retirement – All Full-time/Regular and Part-time/Regular Benefited employees are covered by the Utah State Retirement System, unless exempted in accordance with Utah State Law.
- 3-03 (2) Medical & Dental Insurance – The City offers group medical and dental insurance benefits to Full-time/Regular and Part-time/Regular/Benefited employees.
  - a. Eligible employees are enrolled when hired and may make changes to group benefit plans once each year during a specified period known as "Open Enrollment."
  - b. Eligible employees who provide proof of insurance under another plan may choose to waive the City's coverage. A portion of the City's insurance premium cost may be reimbursed to the employee through the payroll process.
- 3-03 (3) Life Insurance - Basic life insurance is provided by the City for all Full-time/Regular and Part-time/Regular/Benefited employees.
- 3-03 (4) FICA (Social Security & Medicare) – All employees are covered by the benefits of Old Age, Survivors and Disability Insurance as provided by law. Contributions of the employee and the City will be made in accordance with federal law.
- 3-03 (5) Training/Continuing Education – Employees are encouraged to obtain training and continuing education through attendance at job related seminars, classes, etc. The employee's cabinet member must pre-approve all leave for training and education purposes.
  - a. When the City requires an employee to attend a training activity, the City will provide the necessary time off with pay, and will reimburse the employee for all associated travel costs and participation fees.

- b. Employees are encouraged to further their education in areas that will enhance their job performance. Upon pre-approval by the employee's cabinet member and upon successful completion of relevant education courses, employees may be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion shall include one of the following:
  - 1) A certificate indicating successful course completion, if applicable.
  - 2) Documentation of receiving a class grade of 2.0 or higher on a 4.0/A scale.
  - 3) Documentation of receiving a passing grade when a pass/fail grading system is used.
- c. Education reimbursement funds must be pre-approved through the budget process.
- d. Employees who benefit from education at the expense of the City shall be required to enter into a contractual agreement to continue to work for the City for a designated period of time upon completion of the education.

3-03 (6) Uniform Allowance – The City will provide employee uniforms when uniforms are required to fulfill job responsibilities. Uniforms will be maintained and worn in accordance with City and department policies.

### **3-04 WORKERS COMPENSATION**

3-04 (1) Workers Compensation Program Overview

- a. Program Oversight and Administration: City employees injured during the performance of their job duties are covered by the City's workers compensation program (the "Program"), which provides medical reimbursement and indemnity benefits, as provided by state law. The Program is overseen by the Risk Management division ("Risk Management") in the City Attorney's Office. Claims administration is provided by Travelers Insurance Company ("Travelers"). Transitional duty is coordinated through the Human Resources division.
- b. Designated Medical Care Provider: FirstMed Urgent and Industrial Health Care ("FirstMed") is the medical care provider



("Medical Provider") designated for work-related injuries or illnesses. Except in the case of life or limb threatening injuries, the City does not pay other medical providers or facilities for the treatment of industrial injuries, even if the injury is work related, unless FirstMed refers the employee AND the referral is approved by Risk Management or Travelers PRIOR to the treatment.

- c. EMPLOYEE DISCIPLINE: FAILURE BY AN EMPLOYEE TO FOLLOW PROGRAM REPORTING PROTOCOL, TREATMENT POLICIES, TRANSITIONAL DUTY REQUIREMENTS, OR ANY OTHER LAW, POLICY OR PROCEDURE RELATED TO THE PROGRAM IN A TIMELY AND COMPLETE MANNER, SHALL RESULT IN EMPLOYEE DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

3-04 (2)

Treating and Reporting an Injury

- a. Medical Treatment: When injured, an employee shall immediately obtain necessary medical treatment from FirstMed. If the condition is life threatening the employee should seek medical treatment from the nearest emergency medical facility or call 911. Life threatening conditions include conditions such as unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to FirstMed for follow-up treatment. IT IS THE RESPONSIBILITY OF THE EMPLOYEE TO ADVISE THE EMERGENCY MEDICAL PROVIDER THAT THE CITY WILL NOT BE FINANCIALLY RESPONSIBLE FOR ANY FOLLOW-UP TREATMENT BY SUCH EMERGENCY MEDICAL PROVIDER OR BY PROVIDERS REFERRED BY THE EMERGENCY MEDICAL PROVIDER, UNLESS THE FOLLOW-UP TREATMENT OR REFERRAL IS PREVIOUSLY APPROVED BY FIRSTMED AND BY RISK MANAGEMENT OR TRAVELERS.
- b. Reporting an Injury: Immediately following any injury, however minor, or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor and to Risk Management. The report shall be made NO LATER THAN 24 HOURS following the occurrence of the injury. Although initial notice of the injury to Risk Management may be made by telephone recording (if the injury occurs after regular City business hours), a claim is not deemed "reported" until the employee speaks personally with a staff member of Risk

Management and the appropriate injury report required by Travelers is completed. The employee is responsible to follow up with Risk Management and speak to a claims adjuster to assure that all details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall assure that the required reporting is completed. THE ULTIMATE RESPONSIBILITY FOR PROPERLY REPORTING A WORK RELATED INJURY IS THAT OF THE INJURED EMPLOYEE. FAILURE TO TIMELY AND COMPLETELY REPORT AN INJURY MAY RESULT IN THE DELAY OR DENIAL OF BENEFITS, OR IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

3-04 (3)      Return to Work; Mandatory Transitional Duty

- a.      Return to Full Duty Allowed by Medical Provider: Immediately following initial treatment for a work related injury, the employee shall obtain a written return to work release ("Work Release") from the Medical Provider and SHALL REPORT TO RISK MANAGEMENT BEFORE RETURNING to the employee's regular place of work. The employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the treating Medical Provider. An employee shall not return to the work site following a work related injury without a Work Release signed by the employee's Medical Provider being delivered to both Risk Management and the employee's supervisor. The employee's supervisor shall verify that the employee has reported to Risk Management before allowing the employee to return to the work site.
- b.      Return to Full Duty Not Allowed by Medical Provider: If an employee is directed by the Medical Provider to not return immediately to Full Duty, the employee shall immediately notify the employee's supervisor and Risk Management of the following:
  - 1)      that the Medical Provider has directed the employee to not return to Full Duty;
  - 2)      the reasons for such direction and the prognosis of the injury;
  - 3)      the expected date and time the employee will be released by the Medical Provider to Transitional Duty and ultimately Full Duty; and

- 4) the work restrictions the Medical Provider has placed on the employee.
- c. Secondary Employment: An employee on workers compensation leave or Transitional Duty shall not engage in any secondary employment except as first authorized by Risk Management.
- d. Mandatory Transitional Duty: The City of South Jordan has an aggressive return to work policy. Temporary modified duty (“Transitional Duty”) is mandatory on the part of the employee when determined practicable by the Human Resources division. Transitional Duty will be made available to all injured employees who, based on the Medical Provider’s opinion, are unable to return to Full Duty immediately following an injury. An injured employee shall be required to return to Transitional Duty immediately upon release to do so by the Medical Provider. THE FOLLOWING ARE THE RESPONSIBILITY OF THE INJURED EMPLOYEE:
  - 1) To notify any and all medical providers or specialists who provide treatment for the work related injury that Transitional Duty for the employee is available and mandatory;
  - 2) To provide a complete and accurate description of the employee’s job description and regular work tasks to the medical provider or specialist to enable such provider or specialist to determine whether the employee will return to Full Duty or to Transitional Duty; and
  - 3) To assure that if return to Full Duty immediately following the work related injury is not approved by the Medical Provider, that written work restrictions (“Work Restrictions”) are prepared by the Medical Provider in consultation with the employee and the City, and that such restrictions are provided to Risk Management.
- e. Employee to Report to Risk Management with Work Release and Written Work Restrictions: Upon release to work by the Medical Provider for either Transitional Duty or for Full Duty, the employee shall immediately report to Risk Management with a work release and any work restrictions from the Medical Provider. THE EMPLOYEE SHALL NOT RETURN TO THE WORK SITE PRIOR TO REPORTING IN PERSON TO RISK MANAGEMENT. The employee’s supervisor shall verify that the employee has reported to Risk Management, shall confirm any

Work Restrictions placed on the employee with Risk Management, and shall review any Work Restrictions with the employee before allowing the employee to return to the work site.

- f. Transitional Duty Assignments: The Human Resources division, in consultation with Risk Management and the department in which the employee works, shall determine the Transitional Duty in which the employee shall be required to participate until the employee is released to Full Duty, in writing, by the Medical Provider.

3-04 (4)

Workers Compensation Wage Replacement (“Indemnity Benefits”)

- a. Wage Replacement Amount (Indemnity Benefit): If an industrial injury or illness causes total temporary disability (i.e. the employee cannot perform ANY work tasks for the City) as determined by the Medical Provider and confirmed by Risk Management, the employee receives weekly wage replacement (“Indemnity Benefits”) equal to 66 2/3 percent of the employee’s weekly wages at the time of the injury, up to a maximum of the state weekly average, adjusted for eligible dependents. The Indemnity Benefit continues until the employee is released by the Medical Provider to Transitional or Full Duty.
- b. First Three Days off Work from Injury Not Compensated: An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.
- c. Supplement to Indemnity Benefit: Employees may receive supplemental Indemnity Benefits on a taxable basis, to 100% of employee’s regular wages where an employee has accrued sick leave, compensatory time, and/or vacation leave. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Supplemental compensation may be allowed by an employee delivering the workers compensation Indemnity Benefit received from Travelers to the Finance Department. The employee will then be provided a regular pay check for the employee’s full salary by the City consistent with this paragraph.
- d. Transitional Duty Wages and Benefits: Employees who return to work in a Transitional Duty capacity receive 100% of their wages and benefits.

3-04 (5)

Failure to Follow Applicable Law, Policies and Procedures

- a. Questions Concerning Program Requirements: Employees are strongly encouraged to contact the Risk Management division if questions should arise regarding the reporting, treatment, or processing of workers compensation claims. Additional details pertaining to the City's program may be obtained by contacting the Risk Management division of the City Attorney's Office.
- b. Loss of Benefits: Failure by an employee to follow procedures for reporting and processing workers compensation claims as required by State law and the Utah Labor Commission may result in the denial of a claim and/or in the loss of benefits by the employee.
- c. Discipline for Failure to Follow Program Requirements: FAILURE BY AN EMPLOYEE TO TIMELY AND COMPLETELY FOLLOW PROGRAM REPORTING POLICIES, TRANSITIONAL DUTY REQUIREMENTS, OR ANY OTHER LAW, POLICY OR PROCEDURE RELATED TO THE PROGRAM, SHALL RESULT IN EMPLOYEE DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

## **SECTION 4     EMPLOYEE CONDUCT**

### ***4-01 CODE OF CONDUCT***

- 4-01 (1) Professionalism – The City of South Jordan is a public entity whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City.
- 4-01 (2) Conflict of Interest – In order to avoid any potential conflicts of interest, every appointed or elected officer or municipal employee of the City of South Jordan who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which does or anticipates doing business with the City of South Jordan or is subject to regulation by the City must complete an "Officer and Employee Disclosure Statement" and file with the City Recorder. The purpose of this form is to identify any actual or potential conflicts of interest which may exist between an employee's public duties with the City and personal interests.

- 4-01 (3) Confidentiality - Employees shall be honest in word and conduct and never use their position to benefit themselves personally, or another party, through the disclosure of or by acting on confidential information, award of work, procurement of supplies, or use of City facilities, equipment, or resources. Employees will not disclose confidential information under any circumstances.
- 4-01 (4) Gifts & Gratuities – City of South Jordan employees are prohibited from knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly any gift of substantial value or a substantial economic benefit which would tend to improperly influence a reasonable person in the person’s position to depart from the faithful and impartial discharge of the person’s public duties. This section does not apply to the following:
- a. an occasional non-pecuniary (not cash) gift having a value of less than \$50;
  - b. an award publicly presented in recognition of public service;
  - c. any bona fide loan made in the ordinary course of business; or
  - d. a political campaign contribution.
- 4-01 (5) Attendance – All employees are expected to meet attendance and punctuality requirements in accordance with department and supervisory guidelines.
- 4-01 (6) Appearance – In order to maintain a professional atmosphere and appearance, all employees, including those who wear uniforms, are expected to maintain the following minimum standards:
- a. Employees must maintain a high standard of personal hygiene. Employees must appear neat and clean and have no offensive odors. An employee's hair must be clean and groomed.
  - b. Employees must wear clothing appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
  - c. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.
  - d. In addition to the above, all employees are expected to meet any departmental dress and appearance policies.

- 4-01 (7) Personal Use of City Office Items – Personal use of City office items is generally discouraged, however, any such use may be permitted only upon pre-approval by the department or division director.
- 4-01 (8) Personal Use of City Cell Phones – An employee's use of a City owned cell phone is restricted to the calling plan assigned. Any overage due to personal use will be reimbursed to the City within 30 days of notification. The use of a City cell phone shall not impair or impede the employee while operating a City or personal vehicle.
- 4-01 (9) Use of Personal Cell Phones – The use of personal cell phones while on duty is discouraged and should be limited to emergency situations. The use of a personal cell phone shall not impair or impede the employee while operating a City or personal vehicle.
- 4-01 (10) Use of City Electronic Mail, Voicemail, and Computer Systems – E-mail and voice mail communication and the contents of City owned computers are the sole property of the City and may be subject to monitoring at any time without notice. When using the e-mail or voice mail systems, and other equipment including City computers the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring.
- a. The use of e-mail to send pornographic, sexually harassing, obscene messages and materials, and those with sexual content is prohibited. The City's sexual harassment policy shall apply to the use of obscene e-mails and materials, and those with sexual content. The use of City computer resources to intentionally view, download or send pornography, sexually explicit materials or materials with sexual content is prohibited.
  - b. The use of e-mail to send discriminatory, disparaging or harassing messages or materials based on race, color, religion, sex, pregnancy, gender, national origin, age or disability is prohibited. The City's anti-discrimination policies shall apply to the use of such e-mails and materials.
  - c. Electronic dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws is prohibited.
  - d. The unauthorized transmission of proprietary or confidential information to unauthorized persons or entities by e-mail, or any means, is prohibited.



- e. Use of City computers, computer resources, e-mail or other resources for the employee's outside business endeavors is prohibited. Under no circumstances may any employee use City computers, computer resources, e-mail or other resources to run, support or operate a personal business.
  - f. City employees are not to use the City's e-mail or Internet connection to send, forward or otherwise distribute from other sources personal, or unsolicited commercial e-mail. For purposes of this policy, and consistent with the provisions of Section 13-36-102 of the Utah Code, "commercial" is defined to mean "for the purpose of promoting the sale, lease, or exchange of goods, services or real property." This policy extends as well to unsolicited commercial e-mail you believe to be sending from the City under a personal e-mail identifier, if such e-mail originates on a City computer or is transmitted from a personal computer through the City's servers (by dial-in, Internet connection, or otherwise.)
- 4-01 (11) Outside Activities – City employees shall not use City owned property or work time in support of outside interests and activities.
- 4-01 (12) Political Activity – City employees shall not use City owned property, work time or influence of position while engaging in any political activity.
- 4-01 (13) Secondary Employment – Employment with the City of South Jordan shall be an employee's primary employment. City employees are permitted to engage in secondary or outside employment upon completion and approval of an employee's Notice of Secondary Employment. A Notice of Secondary Employment shall be approved by an employee's department head. Employees are required to notify the City of any outside employment so the City may determine whether the outside employment creates a conflict of interest.
- 4-01 (14) Abandonment - An employee who is absent from work for three consecutive days, and is capable of providing proper notification to their supervisor but does not, shall be deemed to have abandoned their position. The City considers abandonment as voluntary termination and the employee shall be notified in writing.

## **4-02 SEXUAL HARRASSMENT/UNLAWFUL HARRASSMENT POLICY**

- 4-02 (1) General Policy – The City of South Jordan is committed to providing a work environment that is free of sexual harassment or any other type of unlawful harassment with regard to race, national origin, religion, gender,



age, disability, marital status, pregnancy or political affiliation. The City has adopted a zero tolerance policy towards any form of unlawful harassment by any employee while employed.

4-02 (2) Prohibited Conduct - Specifically, the City prohibits conduct that may include, but is not limited to, the following:

- a. Unwelcome sexual advances.
- b. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- c. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of the sexual advances will in any way influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
- d. Any verbal or physical conduct of a sexual nature that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
- e. Other sexually harassing conduct committed by supervisors or non-supervisory personnel, whether physical or verbal. This conduct may include, but is not limited to:
  - 1) Commentary about an individual's body.
  - 2) The use of sexually degrading words to describe an individual.
  - 3) Offensive comments.
  - 4) Off-color language or jokes.
  - 5) Innuendos.
  - 6) Sexually suggestive objects, books, magazines, photographs, cartoons, pictures, e-mail or other visual material.
- f. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

- g. An employee from having a romantic relationship with any person he/she supervises or has authority over.
  - 1) Employees are required to disclose dating relationships involving another employee.
- h. Any inappropriate behavior or harassment with regard to race or national origin, religion, gender, age, disability, marital status, pregnancy or political affiliation which creates a hostile work environment

4-02 (3) Reporting Inappropriate Sexual Conduct or Violations of Sexual Harassment or Other Unlawful Harassment Policy – It is mandatory that employees must report all incidents of what they believe to be inappropriate sexual conduct or violations of the City Sexual Harassment/Unlawful Harassment Policy. These reports shall be made as soon as practical from the time an employee first feels they or someone else, has been sexually or unlawfully harassed or subjected to inappropriate conduct.

- a. Employees shall report inappropriate sexual conduct or violations of this policy, either verbally or in writing, to a supervisor or a department head or an assistant city manager or the human resource manager or the city attorney immediately. Following the normally prescribed chain of command is not necessary.
- b. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment, shall promptly advise the human resource department manager or the city attorney.
- c. Any employee may raise concerns and make reports of unlawful harassment without fear of reprisal.

4-02 (4) Investigation - The City shall reasonably investigate all complaints as expeditiously and professionally as possible. The City will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

- a. Information related to any unlawful harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential unlawful harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.

- b. Participants in any sexual harassment or other unlawful harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.
  - c. Any employee of the City who is accused of sexual harassment or other unlawful harassment or inappropriate sexual conduct shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint, or against employees that have provided information concerning the complaint.
- 4-02 (5) Disciplinary Action – Employees found guilty of sexual harassment or other unlawful harassment will face disciplinary action, which may include termination.
- 4-02 (6) Victim Protection – Retaliation against employees for reporting any unlawful harassment or for assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include, but is not limited to the following:
  - a. Refusing to recommend the employee for a benefit for which he or she qualifies.
  - b. Spreading rumors about the employee.
  - c. Encouraging hostility from co-workers.
  - d. Escalating the harassment.
  - e. Disclosing confidential information with regards to a sexual harassment or other unlawful harassment investigation.

#### **4-03 ALCOHOL/DRUG-FREE WORKPLACE**

- 4-03 (1) Federal Drug-Free Workplace Requirement - The City of South Jordan complies with the Federal Drug Free Workplace Act of 1988.
- 4-03 (2) Drug-Free Awareness Program

During new hire orientation, all new employees will receive training about the dangers of drug and alcohol abuse, a copy of this policy, and information and a brochure about the City's Employee Assistance Program.

4-03 (3) Employee Responsibilities:

- a. No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.
- b. Any employee convicted under any criminal drug statute shall notify their supervisor and department director within five days after the conviction.
- c. No employee shall consume alcoholic beverages for eight (8) hours before work, during work hours, or during breaks or meal periods.
- d. No employee shall be impaired by alcohol, medication, or illegal drugs, or have any detectable trace amount of illegal drugs or a blood-alcohol level of .02 or higher in their system during work hours, or while representing the City of South Jordan in an official capacity.
- e. Additional Responsibilities of “Safety Sensitive” Employees
  - 1) For purposes of this policy, the City designated safety sensitive positions are:
    - Law enforcement officers
    - Special function officers
    - Firefighters
    - Job required CDL holders (consistent with the provisions of 4-03 (11))
  - 2) All safety sensitive employees will report, to their immediate or other chain-of-command supervisor, the use of any medication that could reasonably be expected to impair their ability to perform their duties, prior to, or upon reporting for duty.
  - 3) Any safety sensitive employee cited, arrested, or charged with any criminal drug or alcohol related offense shall notify their department director within 24 hours.

4-03 (4) Drug/Alcohol Testing Policy

All employees and prospective employees (including human resources division designated volunteers and prospective volunteers) are required to participate in testing for the presence of drugs or alcohol, according to the

provisions set forth below, as a condition of hire or continued employment. Failing or refusing to take a test or a confirmed, positive drug and/or alcohol test result, shall be deemed a violation of this policy.

4-03 (5)

Pre-Employment Testing

- a. All prospective employees and designated prospective volunteers shall be tested for drug or alcohol usage.
- b. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for their review.
- c. All applicants shall be required, prior to being hired or volunteering for the City, to sign an acknowledgment form agreeing to abide by the terms of this policy.
- d. The City will exclude from employment any job applicant who refuses to abide by the terms of this policy.
- e. Any applicant with a confirmed positive drug test may not reapply for employment with the City for one (1) year from the date of such result.

4-03 (6)

Reasonable Suspicion (For Cause) Testing

- a. A safety sensitive employee may be required to submit to a drug test when reasonable suspicion arises and the employee's supervisor, manager, or department director and a City designee concur that reasonable suspicion exists.
- b. The City designees are:  
  
Risk manager  
Cabinet members  
Assistant City Attorneys.
- c. City designees shall consult with a Human Resources representative as appropriate.
- d. Once the authorized supervisors have determined that reasonable suspicion exists, testing shall be done as soon as practical.
- e. If an employee is sent to an outside clinic for a reasonable suspicion test, the employee shall be driven to the facility by the supervisor or his or her designee.

- 1) The employee shall then be put on paid administrative leave until the results of the test are available.
- 2) The supervisor shall make arrangements or help the employee make arrangements to get home without driving him or herself.

4-03 (7) Rehabilitation Testing

If the City returns an employee to work after he or she has enrolled in a rehabilitation program for drug or alcohol abuse and has successfully completed the rehabilitation program, such employee may be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.

4-03 (8) Post-Accident Testing

- a. Post-accident testing will be conducted on employees involved in the following incidents:
  - 1) Treatment for a worker's compensation injury at a medical facility (either out-patient or in-patient); or
  - 2) A traffic accident involving bodily injury to any party, a collision with any pedestrian or person on a non-motorized device, or a police estimate of total property damage of \$1,000.00 or more; or
  - 3) Any event or incident estimated by the employee's supervisor to involve property loss or damage of \$1,000.00 or more.
- b. Such testing will occur as soon as practical after the accident.
- c. The employee's immediate supervisor and the risk manager shall be notified of all such incidents.

4-03 (9) Random Testing

For purposes of maintaining safety and as a deterrent to drug and alcohol abuse, safety sensitive employees are subject to random drug and alcohol testing.

4-03 (10)      Testing Protocols

- a.      All drug testing under provisions of sections 4-03 (5) through (10) will be carried out in compliance with Title 34, Chapter 41, Utah Code Annotated.
- b.      Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees, and shall be deemed time worked for purposes of compensation and benefits for current employees.
- c.      The City shall pay all costs of testing and transportation associated with a test required by the City.
- d.      The information received from drug testing shall be the property of the City.
  - 1)      Upon City receipt of the test results, the human resources division shall, as soon as practical, notify the person tested, by telephone or in writing, of the test results.
  - 2)      If the test results are positive, the person tested will be advised of the option to have the split sample tested, the expense to be equally divided between the donor and the City. The option must be exercised within 72 hours of the notification to the employee.

4-03 (11)      Employee's Required to Hold a Commercial Driver's License (CDL)

Those employees required by their employment at the City of South Jordan to hold a CDL shall be tested as required by federal and/or state law.

- a.      Prior to requiring any drug or alcohol testing of a CDL holder employee, the supervisor will determine whether the testing is authorized under this policy or under the City's Drug/Alcohol Policy. CDL testing involves a different panel of drug and alcohol tests and requirements.
- b.      All testing under CDL requirements will be preceded by specific notification by the supervisor to the employee that the test is being ordered as a CDL requirement.
- c.      CDL post-accident testing is only conducted if the employee, during the drug testing window, is cited for a contributory moving

violation or if another person is a fatality. All other post-accident testing will be done under the City's drug/alcohol testing policy.

- d. Any reasonable suspicion testing decision must be made by an officially trained supervisor. A City designee (4-03 (6)) must concur.
- e. Random drug testing is conducted just before, during, or just after performance of CDL duties.
- f. Rehabilitation testing, if offered by the City, shall meet CDL requirements.

4-03 (12) Disciplinary Action

Because of the serious nature of illegal use or abuse of alcohol, illegal drugs, or medication, appropriate employee disciplinary action will be taken, which may include termination. The City, at its discretion in a disciplinary action, may require an employee to participate in a rehabilitation program and mandatory drug and/or alcohol testing, at the employee's expense, as a condition of continuing employment.

4-03 (13) Voluntary Substance Abuse Counseling & Rehabilitation

- a. The City of South Jordan encourages employees who have a determined need, to enroll in a counseling or rehabilitation program.
- b. The employee shall immediately contact their supervisor and the human resources division to coordinate leave status and benefits.

4-03 (14) Employee Questions About This Policy

Questions about this policy may be directed to the human resources division.

#### **4-04 TOBACCO-FREE WORKPLACE**

- 4-04 (1) General Policy – The City of South Jordan is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthful work environment.



- 4-04 (2) Employee Responsibility – All employees are prohibited from smoking throughout the work-place, including all City buildings, vehicles, and equipment. Smoking is also prohibited within 25 feet of any entrance-way, exit, open window, or air intake of City buildings.

#### **4-05 CRIME-FREE WORKPLACE**

- 4-05 (1) General Policy – The City of South Jordan is committed to maintain a safe and efficient working environment where employees and customers are free from the threat of workplace violence.
- 4-05 (2) Employee Responsibility – Employees are prohibited from bringing firearms or weapons of any kind in the work environment or on City property, except as outlined in the individual's job description such as a police officer. Further, employees must immediately report to their supervisor or department head all incidents of workplace violence.

#### **4-06 EMPLOYEE DISCIPLINE**

- 4-06 (1) General Policy – It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required.
- 4-06 (2) Causes for Disciplinary Action – Causes for disciplinary action, up to and including termination, may include, but are not limited to the following:
- a. Violation of the laws of the United States, the State of Utah, or ordinances of the City of South Jordan or any other jurisdiction.
  - b. Violation of the code of conduct.
  - c. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
  - d. Any behavior by an employee deemed inappropriate or disruptive to the work environment which may affect the ability of other employees to perform effectively.
  - e. Misconduct.
  - f. Malfeasance. (The performance of an act which is legally unjustified, harmful, contrary to law or City policy).

- g. Misfeasance. (The wrongful performance of a normally lawful act.)
- h. Nonfeasance. (The omission of some act which ought to have been performed.)
- i. Incompetence.
- j. Negligence.
- k. Insubordination.
- l. Failure to maintain skills.
- m. Inadequate performance of duties.
- n. Unauthorized or excessive absence or tardiness.
- o. Falsification or unauthorized alteration of records.
- p. Violation of City or department policies.
- q. Falsification of employment application.
- r. Discrimination in hiring, assignment, or promotion.
- s. Sexual harassment or inappropriate sexual conduct.
- t. Violation of personnel policies and procedures.
- u. Unauthorized possession of firearms or explosives on City property.
- v. Theft or removal of any City property, or the property of any employee from the work premises without proper authorization.
- w. Gambling or engaging in a lottery on City property.
- x. Any other action or behavior contrary to the best interests of the City.

4-06 (3) Types of Disciplinary Action – The City reserves the right to impose disciplinary action, up to and including termination on a first offense, depending on the nature and severity of the improper conduct. Employees whose conduct constitutes grounds for disciplinary action are subject to one or more of the following depending on the severity of the violation.

The following classifications are not written in progressive order and are not to be deemed a progressive disciplinary scheme or system:

- a. Verbal Warning - A verbally communicated warning to an employee by a supervisor for a minor work behavior deficiency.
- b. Written Reprimand – A formal written notice outlining work performance deficiencies and required corrective action, to an employee by a supervisor for disciplinary purposes, which is documented in the employee’s personnel file.
- c. Suspension – An employee may be suspended from work with or without pay for up to 30 days (240 hours) with approval of the city manager. The City shall conduct a pre-disciplinary hearing as outlined in 4-06 (4), except for appointed, at-will, and probationary employees.
- d. Demotion – An employee may be demoted to a lower grade position with or without a reduction in pay with approval of the city manager. For an involuntary demotion, the City shall conduct a pre-disciplinary hearing as outlined in 4-06 (4), except for appointed, at-will, and probationary employees.
- e. Transfer – An employee may be transferred to another position within the City without an adjustment in pay and grade with approval of the city manager.
- f. Termination – An employee may be terminated with approval of the city manager. The City shall conduct a pre-disciplinary hearing as outlined in 4-06 (4), except for appointed, at-will, and probationary employees.

4-06 (4) Pre-Disciplinary Hearing – Whenever a full-time employee, who is not an appointed, at-will, or probationary employee, is subject to possible suspension without pay for more than two days (16 hours), involuntary transfer from one position to another with less remuneration, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action.

- a. The employee shall be given written notice of the hearing, prior to the hearing, which will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- b. The pre-disciplinary hearing shall be conducted by the employee’s service group manager or designee for the purpose of allowing the

employee to respond to the charges and present information the employee believes is relevant to the decision.

- c. A decision as to the disciplinary action to be taken, if any, shall be made by the applicable service group manager or designee, and the employee shall be notified in writing within five working days after the hearing. This written notification shall include:
  - 1) The grounds for disciplinary action.
  - 2) Any disciplinary action to be imposed.
  - 3) The effective date and duration of the disciplinary action.
  - 4) Any required corrective action necessary for the employee to avoid further disciplinary action.
  - 5) Notice and a copy of the post-disciplinary hearing process outlined in 4-06 (5), if the imposed disciplinary action is termination, a suspension of more than two days (16 hours), or involuntary transfer from one position to another with less remuneration.

4-06 (5) Appeal Board (10-3-1106, UCA)

- a. An employee, who is not an appointed, at-will, or probationary employee, may use the post-disciplinary hearing process. Appeals to the appeal board shall be taken by filing written notice of the appeal with the city recorder within ten days of receipt of the notice of the imposition of the suspension of more than two days (16 hours) or termination, or, in the case of an involuntarily transfer from one position to another with less remuneration, ten days from the receipt of notice by the city manager or designee.
- b. The appeal board shall consist of the City cabinet. The appealing employee's cabinet member will not serve as a member of that appeal board.
- c. Exhaustion of Internal Grievance Procedures

The City designates this appeal board as the only internal post-disciplinary appeal procedure for terminations, suspensions without pay for more than two days (16 hours), or an involuntarily transfer from one position to another with less remuneration

d. Appeal Hearing Process

- 1) The employee shall be entitled to appear in person before the appeals board and to be represented by counsel (at the employee's expense), to have a public hearing, to confront the witnesses whose testimony is to be considered, to present the employee's own witnesses, to receive and present evidence, and to examine the evidence to be considered by the appeals board.
- 2) The appeals board determines the admissibility of evidence and its use. Further, the board is not bound by the rules of evidence and may consider any evidence it determines relevant to the matter.
- 3) The city recorder records and takes minutes of each session, except for the appeal board's deliberations.
- 4) The city attorney or designee represents the city's interests.
- 5) The standard of review is a preponderance of evidence.
- 6) The Appeals Board may establish hearing procedures consistent with 10-3-1106, UCA, and may modify those procedures at the hearing as may be equitable and conducive to a determination of the issues.

e. Decision of Appeals Board Hearing

- 1) Each decision of the appeal board shall be by secret ballot.
- 2) Each decision of the appeals board shall be certified to the city recorder within 15 days from the date the matter was referred to it by the city recorder, however, upon consent of both the employee and the City, the board may extend the 15 day period to a maximum of 60 days.
- 3) In the event the appeals board does not uphold the suspension, demotion, or termination, the city recorder shall certify the decision to the employee affected, and to the city manager and service group manager. If the board does not uphold the suspension, demotion or termination, the board shall provide in its order:

- a) the employee shall receive the employee's salary for the period of time during which the employee was discharged or suspended without pay, or that the employee be paid any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.
- b) the employee shall be paid his/her salary and be reinstated, commencing with the next working day following the certification by the city recorder of the employee appeals board's decision, provided the employee reports for his/her assigned duties the next working day.
- 4) Any final action or order of the board may be appealed by either the employee or the city to the Utah Court of Appeals by filing with that court a notice of appeal no later than 30 days from the date of the issuance of the final action or order of the board.

4-06 (6) Requests to Purge Disciplinary Records – An employee may submit a written request to have prior disciplinary records purged to the city manager.

- a. The employee must wait a minimum of two years before a request will be considered. Requests will only be considered if there have been no intervening disciplinary action.
- b. The city manager shall consider the request within 10 working days of receipt.
- c. All decisions shall be at the sole discretion of the city manager.

## **4-07 EMPLOYEE GRIEVANCE PROCEDURES**

4-07 (1) General Policy – A grievance is defined as a complaint made by a City employee of a decision, or action taken by the City which affects an employee's employment status, except disciplinary actions. Disciplinary action appeals, if permitted, shall be handled consistent with the Employee Discipline policy (4-06). All employees have the right to file a grievance.

4-07 (2) Grievance Process – The following process shall be followed in processing grievances made by City employees:

- a. Step One – An employee wishing to grieve an incident or action meeting the definition above must submit the grievance in writing to his/her immediate supervisor within 10 business days of a decision or action. The written grievance should include at a minimum, the date, and description of the decision or action in question.

The employee's immediate supervisor shall respond to the employee's grievance in writing, detailing his/her decision, within 10 business days of receipt of the grievance.

- b. Step Two - If the employee is not satisfied with the response of the immediate supervisor, the employee may submit a written grievance to their department director within 10 business days of the immediate supervisor's response.

The department director shall respond to the employee's grievance in writing, detailing his/her decision, within 10 business days of receipt of the grievance.

- c. Step Three - If the employee is not satisfied with the response of the department director, the employee may submit a written request to the employee's cabinet member within 10 business days of receipt of the department director's response.

The cabinet member shall respond to the employee's grievance in writing, detailing his/her decision, within 10 business days of receipt of the grievance

The decision of the cabinet member is final and not appealable.

4-07 (3) Documentation

Copies of all grievances and responses shall be forwarded to the human resources division for filing upon receipt or issuance.

## **SECTION 5 FINANCIAL POLICIES & PROCEDURES**

### **5-01 PURCHASING**

- 5-01 (1) General Policy – The City of South Jordan shall comply with all applicable federal laws and regulations, state laws, and city ordinances and resolutions regarding the procurement of goods, services and contracts. A complete copy of the City purchasing policy may be obtained from the finance department.

- 5-01 (2)      Credit Cards - City credit cards shall be used for official City business only and all use shall comply with the City purchasing policy.

## **5-02 TRAVEL POLICY**

- 5-02 (1)      General Policy – All travel for City business outside a 50 mile radius of the City of South Jordan shall be requested on a travel request form and be pre-authorized by an employee's department head.
- a.      City vehicles may be used for travel associated with City business.
  - b.      An employee may use their personal vehicle for City business as circumstances warrant and will be reimbursed for mileage in accordance with the following:
    - 1)      A mileage log must be kept which details the reason for the trip and the number of miles driven to and from the travel destination. Mileage reimbursement requests must be signed by the employee's department head and submitted to the finance department.
    - 2)      Mileage will be reimbursed at the rate authorized by the Internal Revenue Service.
  - c.      A rental car will be authorized only if it is determined to be the most cost effective means of transportation while away on City business.
  - d.      When travel requires an overnight stay, the employee will be granted up to \$5.00 per day for personal phone calls.
- 5-02 (2)      Per Diem – Employees shall be paid per diem for City related travel in accordance with the following:
- a.      The maximum daily per diem allowance for City employees will be \$33.00.
  - b.      Travel that requires less than a full day shall be compensated as follows:
    - 1)      Breakfast - \$8.00 maximum when necessary to depart before 7:00 a.m.



- 2) Lunch - \$8.00 maximum when necessary to return after 2:00 p.m.
- 3) Dinner - \$17.00 maximum when necessary to return after 7:00 p.m.

## **SECTION 6 SAFETY & RISK MANAGEMENT**

### **6-01 GENERAL SAFETY POLICY**

- 6-01 (1) General Policy - The following general safety rules apply in all City work areas. Each work area may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.
- a. Proper licensing is required by all employees operating any type of power equipment.
    - b. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
  - c. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured. Employees must also adhere to any additional department policies.
  - d. Defective equipment will be reported immediately.
  - e. Employees will not operate equipment or use tools for which licensing and training has not been received.
  - f. In all work situations, safeguards required by State and Federal Safety Orders will be provided and followed.
  - g. Due to the potential risk, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
    - 1) Road repair sites;
    - 2) Construction areas;
    - 3) Vehicle maintenance areas;

- 4) Animal control incidents;
- 5) Sewer facilities.

6-01 (2) Proper Use of City Equipment & Tools – The use of City equipment or tools for private purposes is strictly prohibited.

- a. Employees shall be required to attend training, provided by the City; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved.
- b. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver's license at four year intervals.
- c. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
- d. Employees using City vehicles shall ensure they are kept clean and serviced according to fleet specifications. Employees receiving car allowances shall also keep their vehicles clean and serviced properly.

## **6-02 BUILDING SECURITY**

6-02 (1) Distribution of Keys – The facilities division is responsible for distribution of keys, key pad codes, and security access cards to building occupants.

- a. Facilities shall maintain a record of the keys, key pad codes and security access cards distributed to building occupants.
- b. The facilities division shall not loan out keys, duplicate keys, or distribute key pad codes or security access cards prior to the completion of the key requisition process, described in the following procedure.

- 6-02 (2) Key Requisition Process - If a key, key pad code, or security access card is needed by a building occupant, a key requisition form must be completed and returned to the facilities division.
- a. A key requisition form must be signed by the requesting employee's department head.
  - b. Requests for master keys must be signed by the city manager or an assistant city manager.
- 6-02 (3) Employee Responsibility – Employees shall not loan, duplicate, or transfer keys, key pad codes, or security access cards to City facilities. Such behavior may be grounds for disciplinary action. All keys, security access cards, etc. will be returned to the City immediately upon termination of employment.
- 6-02 (4) Lost Keys – Any lost keys or security access cards shall be reported to the employee's supervisor and the facilities division immediately.

### **6-03 ACCIDENT REPORTING**

- 6-03 (1) All accidents, regardless of severity, personal or vehicular, shall be reported as soon as possible to the applicable supervisor or department head.
- 6-03 (2) When injured while on duty, an employee must:
- a. Immediately obtain necessary treatment. The City recommends that employees initially seek medical treatment at an approved medical facility if possible. Names and locations of approved medical facilities may be obtained from the human resource department.
  - b. Immediately report the injury to their supervisor or department head. The supervisor shall be responsible for notifying the human resource department and the risk manager.
  - c. Submit to a drug test if determined necessary according to drug testing policy located in section 4-03.

- d. Obtain a medical release form signed by a doctor and submit copies to the human resource department and supervisor.
- e. Report to work as permitted by the medical release form.
- f. Detail job related injury on forms prescribed by the Utah Industrial Commission and the City. These forms must be completed within one week following the incident producing the injury.

6-03 (3)

When involved in a vehicle crash, but not injured, an employee must:

- a. Call 9-1-1 and supervisor immediately. If the immediate supervisor is unavailable, contact department head. If after normal work hours, an employee shall contact their supervisor or department head as soon as possible.
- b. Remain at the accident until the police or supervisor approve your departure.
- c. Collect necessary contact and insurance information from any others involved in accident.
- f. Submit to a drug test if determined necessary according to drug testing policy located in section 4-03.

## **6-04 RISK MANAGEMENT**

6-04 (1)

General Policy – The City of South Jordan will be aggressive in risk identification. All existing operations, programs, equipment, and facilities of the City shall be evaluated on a regular basis to determine potential risk. Employees shall report any identified risks to their immediate supervisor or the risk manager. In addition, employees shall report any potential hazards, damaged or missing signs, or other possible risks immediately to the municipal services director or risk manager.

6-04 (2)

Claims, Lawsuits, & Liability – An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his or her employment, shall give immediate notice to his or her supervisor, the city attorney, and the risk manager.

- a. An incident report must be completed for any alleged injury or damage to persons or property involving a city official, employee, volunteer, or equipment or any such event occurring on City property. Such report will be submitted to the risk manager.
- b. No official or employee shall admit or indicate in any manner that he or she or the City is at fault or has any liability in any incident that may result in a claim or lawsuit. No official or employee shall make any commitments or promises to claimant unless specifically authorized to do so by the city manager or designee.
- c. The risk manager will receive and coordinate the resolution of claims and lawsuits made against the City, its officers, employees, or volunteers.

6-04 (3) Incident Review Committee (IRC) – To ensure that all incidents are investigated and evaluated in a fair, impartial and consistent manner, an incident review committee will review any incidents involving personal injury, damage to equipment or vehicles, and or claims against the City.

- a. The committee shall consist of the city manager or designee, city attorney, risk manager, and department heads and division managers as needed and appropriate.
- b. The committee shall meet quarterly and on an “as needed” basis.

6-04 (4) Vehicle/Equipment Crash Investigation – It is the policy of the City of South Jordan to require an investigation and a review of all vehicle or equipment crashes involving employees during the course of their duties. This policy also covers privately owned vehicles used by City employees for City business.

- a. Any vehicle or equipment crash within the boundaries of South Jordan City will be investigated by an officer of the South Jordan police department and the risk manager shall be notified within five days of the incident. In the event of a vehicle or equipment crash involving police personnel, an outside law enforcement agency will be contacted to investigate the accident.
- b. Any vehicle or equipment crash outside the boundaries of South Jordan City will be investigated by an officer of the applicable jurisdiction. The risk manager shall be notified within five days of the incident.
- c. The risk manager will review all accidents involving City vehicles and equipment and will coordinate with the applicable department

head to determine if an incident review committee meeting is needed.

6-04 (5)

Incident Review Process for Vehicle/Equipment Crashes – Vehicle or equipment crashes involving employees which have been determined by the risk manager and department head to require an incident review shall be conducted in accordance with the following:

- a. Employees shall attend incident review committee meetings when instructed to do so.
- b. After review of all information provided, the IRC will classify the accident as one of the following:
  - 1) Non-preventable.
  - 2) Preventable/Mitigating.
  - 3) Preventable.
  - 4) Preventable/Reckless.
- c. The IRC shall also document the severity of the crash according to one of the following:
  - 1) Very Minor. (Less than \$750)
  - 2) Minor. (\$750 - \$3250).
  - 3) Major. (More than \$3250).
- d. The IRC assigns points to each crash based on the classification:

1)	Very Minor – Non Preventable	0
	Very Minor – Preventable/Mitigating	0
	Very Minor – Preventable	2
	Very Minor – Preventable/Reckless	8
2)	Minor – Non Preventable	0
	Minor – Preventable/Mitigating	0*
	Minor – Preventable	4
	Minor – Preventable/Reckless	10
3)	Major – Non Preventable	0
	Major – Preventable/Mitigating	0*
	Major – Preventable	6

\*Carries no point value, but requires letter of counsel.

- e. IRC points assigned to employees.
  - 1) IRC points are cumulative and retained for 24 months from the date of the accident.
  - 2) Employees with no points earn safe driving credits. One credit is awarded for each year of point-free driving, for a maximum accrual of three credits. Such credits may be used to offset points assigned by the IRC as the result of a crash.
  - 3) Additional points may be added if a crash is not the employee's first offense.
- f. Discipline for Points Assigned to Vehicle/Equipment Crashes:
  - 1) 0 Points – Noted in file, no action.
  - 2) 1-2 Points – Letter of counsel.
  - 3) 3 Points – Letter of reprimand.
  - 4) 4-5 Points – Letter of reprimand and attendance at a defensive/remedial driving course. (Cost of course shall be paid by employee).
  - 5) 6 Points – Attendance at a defensive/remedial driving course and 1-2 day suspension without pay. (Cost of course shall be paid by employee).
  - 6) 8 Points – Attendance at a defensive/remedial driving course and 3-10 day suspension without pay. (Cost of course shall be paid by employee).
  - 7) 9 Points – Attendance at a defensive/remedial driving course and 6-15 day suspension without pay, performance probation, and loss of driving privileges. (Cost of course shall be paid by employee).
  - 8) 10 Points – Termination of employment.

- g. Employees may appeal the findings and recommendations of the IRC in accordance with the City grievance and appeal process.

6-04 (6) Occupational Safety and Health Administration (OSHA) – The City of South Jordan will post all required OSHA notices in conspicuous places.

- a. Employees may obtain additional information regarding OSHA from the risk manager.
- b. If an OSHA inspector arrives on a job site, an employee should contact the City risk manager immediately. The risk manager shall make arrangements for any required inspections.

## **SECTION 7     VEHICLE USE**

### **7-01 VEHICLE USE**

7-01 (1) Authorization to Drive - To be authorized to drive a city-owned vehicle, an employee or volunteer must:

- a. possess a valid Utah driver's license for the type of vehicle being operated, and
- b. complete an URMMA approved defensive driving course (except Police Officers, who will complete EVO training).

Exception: Seasonal employees must successfully complete a post-employment City administered "commentary drive" instead of the defensive driving course requirement.

7-01 (2) Training Requirements - Additionally, Departments may impose such familiarization or training requirements on vehicle operators as may be necessary.

7-01 (3) Pool Vehicle Use - Pool vehicles are authorized for use by authorized employees or volunteers who do not have a City vehicle assigned to them that need transportation to conduct City business, subject to availability.

7-01 (4) Personal Use - Personal use of City vehicles is prohibited, except for incidental local use such as taking breaks or meal periods, or completing a personal errand that does not require indirect travel. The Police and Fire Departments have their own personal use policies.



- 7-01 (5) Permitted Passengers - Only authorized employees and volunteers are allowed to ride in City vehicles, except for the purpose of conducting City business or as otherwise authorized by policy.
- 7-01 (6) Leave Restriction - Employees on leave for three (3) or more consecutive days, who are authorized to take home a City vehicle, will leave the vehicle at the workplace during the leave.
- 7-01 (7) Emergency Use - Directors of Departments may grant occasional overnight take home vehicle use due to an isolated incident of need because of the lateness of the hour or other circumstances where it is impractical for the user to return a City vehicle at the end of a duty shift.

## **7-02 DRIVER/OPERATOR DUTIES AND RESPONSIBILITIES**

- 7-02 (1) Maintenance - All repair or damage issues shall be reported immediately to Fleet staff and the driver's division supervisor when the driver becomes aware of such issue.
- a. When a driver is notified of scheduled service due, the driver shall make a service appointment no later than 5 working days after notification.
  - b. Drivers are responsible for the care and general maintenance of City vehicles under their control or assigned to them. This includes frequent checking of the oil and other fluids, lubrication levels, tire pressure, and prompt reporting of problems. They shall not, however:
    - 1) use fuel, oil lubricant, or other liquid additives in the vehicle other than that provided or authorized by Fleet staff.
    - 2) make any repairs or have any repairs made to the vehicle at any facility (other than simple repairs, i.e. light bulb, fuse, etc.) not authorized by the Fleet Division, or
    - 3) add or remove auxiliary equipment to vehicles without the permission of the Fleet Division.
    - 4) display unauthorized bumper stickers or other items.
- 7-02 (2) Cleanliness - Drivers shall maintain a high degree of cleanliness of both the interior and exterior of assigned vehicles. Failure to do so may result in disciplinary action.

- 7-02 (3) Mileage - Each time a City vehicle is refueled at a city fueling site or off-site station using a Gas card, the driver/operator will accurately enter odometer/hour meter readings. If an incorrect reading is entered, the driver/operator will notify Fleet staff of the correct readings. If no notification is given, a warning will be issued for the first offense. A second or subsequent offense may result in disciplinary action.
- 7-02 (4) Unassigned Vehicle Inspection Checklist - Each city employee taking an unassigned City vehicle for a shift must complete a written vehicle inspection checklist. This checklist shows that the vehicle appears to be in good condition and is safe to drive. On the inspection checklist, the employee shall note any defects, deficiencies, problems, exterior damage, etc. If a problem makes the vehicle unsafe or risks mechanical damage, the employee will report the vehicle to the supervisor and Fleet staff so it can be serviced immediately.
- 7-02 (5) Motor Pool Inspection/Problem Report – A driver who uses a motor pool vehicle will look over the vehicle before using it. If a safety related problem is identified, the vehicle will not be used. On returning the vehicle, the driver will turn in a signed and dated problem report to Fleet staff, if needed.
- 7-02 (6) Long-distance Travel - When using a city vehicle for non-emergency one-way travel of 200 miles or more, the driver shall have the vehicle inspected by a Fleet mechanic within 2 business days prior to departure to ensure the vehicle is safe and road worthy.
- 7-02 (7) Vehicle Registration Renewals - It is the responsibility of each driver assigned to a vehicle (and the Division Managers responsibility for unassigned vehicles) to complete the state inspection/emissions test by the date and at the location specified by the Fleet Division.
- 7-02 (8) Compliance with Laws - All City employees and volunteers shall drive and park in accordance with all state and local laws, including wearing seat belts. Any citation received shall be the responsibility of the driver.
- 7-02 (9) Idling – Drivers will not allow an unattended vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment. Emergency vehicles are exempt during emergency situations.
- 7-02 (10) Locking Vehicles - Unattended City vehicles shall be locked at all times.
- 7-02 (11) Abuse or Neglect of Vehicles - Drivers will not abuse or neglect City vehicles. Abuse or neglect includes but is not limited to:

- a. misusing vehicles.
- b. exceeding a vehicle's capacity.
- c. operating vehicles without adequate training.
- d. allowing others to operate vehicles without adequate training.
- e. being reckless, careless, irresponsible, or not paying attention while operating vehicles.
- f. operating with an overheated engine.
- g. failure to properly observe instrument panel indicators.
- h. operating with flat or under-inflated tires.
- i. failure to report defects and needed repairs to Fleet division.
- j. driving vehicle that is in need of repairs.
- k. failure to inspect equipment properly before and after use.
- l. failure to have a vehicle serviced after notification is given.

7-02 (12) Supervisor Responsibility - Supervisors will know the condition of the vehicles under their direct responsibility. Supervisors will keep in close touch with operators to make sure all equipment is properly cared for and maintained. Supervisors are responsible for:

- a. Periodic audits of inspection reports to make sure the inspections are done on time and are accurate.
- b. Quarterly inspections of the conditions of vehicles under his/her supervision.
- c. If any problems are found, the supervisor will keep a separate inspection report for audit purposes. The supervisor will discuss any discrepancies with any person who completed an inconsistent report, and notify Fleet staff of any conditions requiring Fleet action.

### **7-03 USE OF PERSONAL VEHICLES FOR CITY BUSINESS**

- 7-03 (1) Employees and volunteers are strongly discouraged from using personal vehicles for City business. City vehicles should be used when practical.
- 7-03 (2) Prior to any use of personal vehicles for City business, employees and volunteers whose job description does not require a driver license must have prior authorization from their supervisor and the Risk Manager, after verification of their driver license status and driving history.
- 7-03 (3) When using a personal vehicle for City business, all relevant City policies and ordinances apply, such as training, accident reporting, and compliance with legal requirements.

- 7-03 (4) Mileage reimbursement is available at the current IRS rate for authorized personal vehicle use, upon submission of the appropriate form (available on the “S” drive.)
- 7-03 (5) Employees and volunteers using personal vehicles for City business are subject to post-accident and reasonable suspicion drug testing.

## **7-04 GENERAL LIABILITY PROVISIONS**

### 7-04 (1) City Vehicles

- a. City vehicles are insured by the City.
- b. Third party claims are handled by the City’s insurer to the policy limits.
- c. Injuries to City employees and volunteers will be handled as worker’s compensation claims.

### 7-04 (2) Personal Vehicles

- a. Personal vehicles shall be insured by the owner.
  - 1) As part of the hiring process, all employees will certify in writing their acknowledgement of their legal obligation to have state mandated minimum liability coverage on any personal vehicle they may be authorized to drive on City business.
  - 2) Employees are encouraged to review the merits of additional “business use” or higher liability coverage with their insurer.
- b. Property damage to the personal vehicle is covered by the City to the limit of the City’s \$500.00 deductible.
- c. Third party claims will be handled by the City’s insurer to the policy limits, except for the owner’s deductible.
- d. Injuries to City employees and/or volunteer occupants will be handled as worker’s compensation claims.

### 7-04 (3) Rental Vehicles - Employees that rent vehicles for City use are required to purchase the full liability insurance offered by the car rental company.

7-04 (4)

Limitation of Liability – The City reserves the right to limit insurance coverage and/or worker’s compensation as provided by law, such as actions “outside the scope of an employee’s employment.”